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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,092	02/26/2002	Timothy J. Clemens	56471US010	8110
32692	7590	02/14/2005	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			KEEHAN, CHRISTOPHER M	
			ART UNIT	PAPER NUMBER

1712

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/083,092

Applicant(s)

CLEMENS ET AL.

Examiner

Christopher M. Keehan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-30 is/are pending in the application.
- 4a) Of the above claim(s) 19-23 and 25-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-18,24,29,30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 102***

Claims 1, 4, 5, 8-10, 13-15, 18, 24, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoyle et al. (WO 99/64235). Regarding claims 1, 4, 8-10, and 24, Hoyle et al. disclose a protective article comprising a backing comprising a fluorinated polymer that is not perfluorinated, more specifically the instantly claimed polymers (page 6, lines 11-25 and page 7, lines 6-10) and a curable adhesive layer on at least one surface thereof (page 8, lines 10-25).

Regarding claim 5, Hoyle et al. disclose the curing temperature as claimed (page 28, lines 21-29).

Regarding claims 13-15, and 18, Hoyle et al. disclose the instantly claimed substrates (page 1, lines 22-28 and page 3, line 24-page 5, line 21).

Regarding claim 30, Hoyle et al. disclose a patterned structure (page 7, lines 18-26).

Claims 1, 5-7, 10, 11, 13, 24, 29, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Rinde et al. (5,470,622). Rinde et al. disclose an article comprising a backing comprising a fluorinated polymer that is not perfluorinated (col.7, lines 21-35),

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and a thermoset adhesive as claimed (col.3, line 46-col.5, line 36) on at least one unetched surface of the backing layer (col.3, lines 35-45).

Regarding claim 5, Rinde et al. disclose a curable composition at room temperature (col.5, lines 44-57).

Regarding claim 6, Rinde et al. disclose epoxycyclohexane carboxylate and glycidyl ether monomers as claimed (col.4, lines 55-62).

Regarding claim 7, Rinde et al. disclose curing agents selected from the group as instantly claimed (col.5, line 57-col.6, line 20).

Regarding claim 10, Rinde et al. disclose a backing as claimed (col.3, lines 35-45).

Regarding claim 11, Rinde et al. disclose what appears to be a modified diglycidyl ether of bisphenol A (col.5, lines 25-28).

Regarding claims 13 and 24, Rinde et al. disclose the article bonded to a substrate and the bonding thereof (col.8, lines 30-53).

Regarding claim 29, Rinde et al. disclose adding an anti-corrosion additive (col.9, lines 15-46). As applicant has not defined an anti-corrosion additive, it is the examiner's position that any of the cited fillers can act in this manner.

Regarding claim 30, Rinde et al. disclose a patterned backing layer (Figure 1). It is the examiner's position that the backing layer of Rinde et al., which discloses a flat surface, is a patterned surface, as a flat surface can be a pattern.

***Claim Rejections - 35 USC § 103***

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Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rinde et al. (5,470,622) in view of Neumann et al. (5,889,125). Rinde et al., as applied above, are as set forth and incorporated herein. Rinde et al. do not appear to specifically disclose a curing agent as claimed. Rinde et al. do disclose diamine curing agents (col.5, lines 51-66). Neumann et al. disclose a composition for applying to many types of substrates (col.6, line 50-col.7, line 8) comprising a modified bisphenol A epoxy resin (col.6, lines 28-34) and a curing agent of polymer diamines, more specifically 4,7,10-trioxatridecane-1,13-diamine (col.4, lines 10-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a polymer diamine as taught by Neumann et al. in the resin composition of Rinde et al. because Neumann et al. teach that using a polymer diamine curing agent with an epoxy resin produces a composition that is reactive at lower temperatures and high atmospheric humidity, resulting in a higher quality and more versatile product.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rinde et al. (5,470,622). Regarding claims 16 and 17, Rinde et al. do not appear to specifically disclose applying the article of Rinde et al. to the instantly claimed substrates. However, it is not clear how what the article as claimed is bonded to materially affects the overall claimed article. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied the article to a variety of substrates, because many different types of substrates can benefit from being covered, including those as taught by applicant.

### ***Response to Arguments***

Applicant's arguments filed 12/22/04 have been fully considered but they are not persuasive. To begin, applicant argues that Hoyle et al. disclose pressure sensitive adhesives that are applied to an etched surface. However, Hoyle et al. clearly contemplate that the backing can be treated by corona discharge as well as etching (page 7, lines 18-29 and page 18, lines 1-2).

Applicant has argued that Rinde et al. do not disclose a thermosetting adhesive layer as amended in claim 1. However, applicant's claim language is drawn to a protective article comprising a backing comprising a fluorinated polymer that is not perfluorinated and a thermoset adhesive layer on at least one surface, wherein the thermoset adhesive layer is an adhesive selected from the group consisting of epoxy resins, acrylates, cyano-acrylates, and urethanes. Rinde et al. disclose a thermosetting resin mixed with a thermoplastic resin, and the thermoset adhesive layer is an adhesive as claimed. There is nothing in the claim that indicates that the thermosetting adhesive layer of applicant's can only be composed of an adhesive selected from the group as claimed. Further, Rinde et al. disclose thermoplastic resins that can include acrylates and urethanes (col.4, lines 3-18), which are included among the thermoset adhesives as claimed by applicant. It is not clear why these acrylates and urethanes do not meet the claim.

### ***Conclusion***

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**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Keehan whose telephone number is (571) 272-1087. The examiner can normally be reached on Monday-Friday, from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Keehan *CK*

February 9, 2005

DAVID J. BUTTNER  
PRIMARY EXAMINER

*David Buttner*